

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

UNITED STATES OF AMERICA)	
)	
vs.)	CAUSE NO. 3:03-CR-00083(01) RM
)	
ERIC J. JOHNSON)	

OPINION and ORDER

Eric Johnson is again before the court seeking a reduction of his sentence, this time under Federal Rule of Civil Procedure 60(b). Mr. Johnson says that based on the holdings of Kimbrough v. United States, 128 S. Ct. 558 (2007), and Gall v. United States, 128 S. Ct. 586 (2007), his sentence should be reduced. He notes that his previous motion, which was filed pursuant to 18 U.S.C. § 3582(c)(2) and based on this same argument, was recently decided by the Seventh Circuit Court of Appeals.

Mr. Johnson is correct that his appeal was decided, but a review of his most recent motion confirms that he has set forth no ground that would justify a reduction of his sentence. Mr. Johnson's motion for reduction of his sentence under Federal Rule of Civil Procedure 60(b) [docket # 82] is DENIED. The clerk is directed to forward a copy of the Seventh Circuit's March 13, 2009 decision [docket # 84] to Mr. Johnson together with a copy of this order.

SO ORDERED.

ENTERED: May 8, 2009

/s/ Robert L. Miller, Jr.
Chief Judge
United States District Court

cc: E. Johnson